

PATENT

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Date of Signature and Deposit: October 03, 2007

/Joel A. Austin/
Joel A. Austin, Reg. No. 59,712

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Henry J. Knott
Application No.: 10/577,534
Conf. No.: 9594
Filing Date: April 27, 2006
Title: FASTENER PRE-STRESSING JOINT
Art Unit: 3679
Examiner: Ernesto Garcia

Response to Restriction Requirement

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attn: Mail Stop Amendment

Sir:

In response to the Office action containing a restriction requirement mailed September 05, 2007, the Applicant respectfully traverses the restriction requirement for the reasons that follow.

First, the Applicant notes that text appears to be missing from the top of page 4 of the Office action.

Second, the Office action states that Figures 1A, 1B, 2A, 3, and 4 are prior art. The Applicant maintains that Figure 4 is not prior art. Figure 4 depicts an additional species of the invention, leading to the next point.

Third, the Office action states that the application includes the following two species:

- I. Figure 5 (including claims 1, 2, 4, and 8); and
- II. Figure 6 (including claims 1, 2, 5-7, and 8).

The Applicant respectfully submits that the invention includes the following three species:

- I. Figure 5 (including claims 1, 2, 4, and 8);
- II. Figure 6 (including claims 1, 2, 5-7, and 8); and
- III. Figure 4 (including claims 1, 2, 3, and 8).

Fourth, the Office action states that claims 1, 2, and 8 are generic. The Applicant submits that claims 1, 2, and 8 are generic to species I and II, and species III.

If the above three species designations are acceptable, the Applicant elects species III, directed toward Figure 4 and claims 1, 2, 3, and 8.

Should the Examiner maintain the original restriction requirement, the Applicant elects species I, directed to Figure 5 and claims 1, 2, 4 and 8, and requests that Figure 4 and claim 3 also be included in this group.

Lastly, the Applicant respectfully disagrees with the assessment of the prior art presented in the Office action. Specifically, the bending stress induced by the joint being substantially inversely proportional to a bending stress induced in the plane of bending by a maximum application load that the fastener shank is subject to is not known from the prior art Figure 1B. Figure 1B illustrates the shank of a fastener subjected to only an axial load.

No fees are believed due; however, if any fees are due the Commissioner is hereby authorized to charge them to Deposit Account No. 17-0055.

Respectfully submitted,
Henry J. Knott

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